



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/960,649

09/21/2001

Vivian Pecus

4940/1M

5265

33690 7590 12/28/2006
DAVID LOEWENSTEIN
802 KING ST.
RYE BROOK, NY 10573

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

12/28/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/960,649	PECUS ET AL.	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9, 11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's amendment, filed 10.12.2006. Claim 1 is amended. Claims 4-6, 8, 10, 12 and 15-16 are cancelled. Claims 1-3, 7, 9, 11, 13 and 14 are presented for further examination.

2> This is a final rejection.

Response to Arguments

3> The rejection of claims 2 and 3 as being unpatentable over Lahr, in view of Taylor are withdrawn. Taylor was relied upon to teach a VPN connecting the public and private VLAN within the edge node. However, Taylor does not disclose this feature, instead teaching an external VPN that can be used to access an edge node and the internal VLANs. Therefore, these rejections are withdrawn.

4> With respect to claim 1, Applicant's arguments have been fully considered but they are not persuasive. Applicant's amendments do not overcome the prior art reference, Lahr. The substance of Applicant's amendments are: (a) a receiving router to receive content from a center over a satellite broadcast content distribution network and distribute the received content to the media server; (b) a controller connected with the receiving router to process incoming data packages and execute commands from the center; (c) a load balancer; and (d) an outbound router, connected with the load balancer to transmit received content.

Lahr's data center [Figure 4] is interpreted as analogous to Applicant's edge node.

Art Unit: 2152

Lahr discloses that the data center may act as an edge node for customers when an ISP lacks an edge node [0028]. With respect to (a), Lahr discloses the data center having a switch, at the receiving side, that receives content over a satellite broadcast content distribution network and distributing the content to a media server [Figure 4 «items 66, 14» | 0028 : “routers and load-balancing switches 66 and 68” and Lahr’s media serving system is analogous to a media server]. Lahr discloses that the receiver can be either a satellite and/or terrestrial signal transceiver.

With respect to (b), Lahr’s switches and host (comparable to claimed controller) receive incoming information through the receiver [0028, 0029], With respect to (c), Lahr discloses that the switch 68 (connected to the transmitting side), can be a load balancer [0028]. With respect to (d), Lahr discloses that the switch 68 has the functionality of both a gigabit router and a load balancer and are responsible for transmitting received content to the ISP [0028].

Based on the foregoing remarks, the Office submits that the Lahr discloses the new limitations of claim 1.

Allowable Subject Matter

5> Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1, 7, 9, 11 and 13-14 are rejected under 35 U.S.C § 103(a) as being unpatentable over Lahr in view of Seiler et al, U.S Patent Publication No. 2003|0009437 ["Seiler"].

7> Only those claims that have been amended by Applicant are formally addressed in this action. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8> As to claim 1, Lahr discloses an edge node that receives content from a Network Operations Center (NOC) via a satellite content distribution network and distributes it to a last mile service provider, the edge node comprising:

one media server capable of serving both live and non-live content [Figure 8 | 0041];

a receiving router to receive content from a center over a satellite broadcast content distribution network and distribute the received content to the media server [Figure 4 | 0028];

a controller, connected with the receiving router to form a Local Area Network (VLAN) to process incoming data packages and execute commands from the NOC [0020, 0028 : "private network"];

Art Unit: 2152

a load balancer [0028];
an outbound router connected with the load balancer to form a LAN that transmits the received content from the server to a last mile service provider [0020, 0022, 0028]; and
where the media server is connected to both the LANs [Figure 8 | 0020, 0041, 0042].

Lahr does not explicitly disclose that the a private VLAN, a public VLAN, or that the media server, private VLAN, and public VLAN exist in a single computer. However, Lahr seems to suggest such functionality. He describes a media delivery system contains the functionality of the VLANs and the media servers and that the media servers is connected to the private and public VLAN [see Figure 3 Figure 8, Figure 9]. Thus it would have been obvious to one of ordinary skill in the art to have incorporated the media server and VLAN elements into a single computer, such as his endpoint server.

9> Seiler discloses a server, analogous to Lahr's media serving system, comprising of a private VLAN and a public VLAN [0238 : public and private VLAN in a single computer]. The purpose of the private VLAN is to insure a secure and protected network for receiving data from a source [0238].

Thus, it would have been obvious to one of ordinary skill in the art to incorporate Seiler's public and private VLANs into Lahr's media serving system. Such a combination is desirable because the private VLAN would provide Lahr's system a secure means for management and administration workstations to access the content and protecting the content from end-users.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

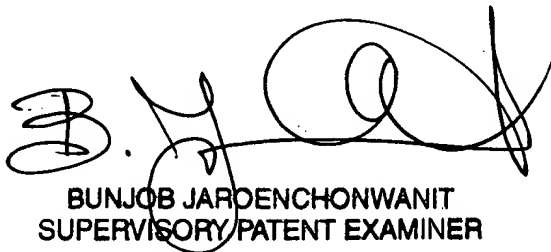
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER